

**BEFORE THE STATE BOARD OF
EMBALMERS AND FUNERAL DIRECTORS
STATE OF MISSOURI**

State Board of Embalmers)	
and Funeral Directors,)	
)	
Petitioner,)	
)	
v.)	Case No. 15-0816 EM
)	
Gerald T. Johnson,)	
)	
Respondent.)	

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND
DISCIPLINARY ORDER**

On November 6, 2015, the Administrative Hearing Commission entered its “Order” in the case of *State Board of Embalmers and Funeral Directors v. Gerald T. Johnson*, Case number 15-0816 EM (the “AHC Order”). In the AHC Order, the Administrative Hearing Commission found that Gerald T. Johnson’s (“Licensee”) licenses to practice as a funeral director and embalmer are subject to discipline pursuant to Sections 333.330.2(6), (12), and (13), RSMo¹.

Pursuant to notice and Section 621.110, RSMo, the Board held the disciplinary hearing in this matter on Tuesday, June 14, 2016 at the Hyatt Place St.

¹ All statutory references are to the Revised Statutes of Missouri (2000), as supplemented, unless otherwise indicated. Any reference to the provisions of Chapter 436, RSMo, as supplemented up to 2008, are so designated by the notation of “Old Law”.

Louis/Chesterfield, 333 Chesterfield Center East, Chesterfield, Missouri 63017 for the purpose of determining the appropriate disciplinary action against the funeral director and embalmer license held by Gerald T. Johnson. The Board commenced the hearing at approximately 3:30p.m. Jamie Cox represented the Board at this hearing. Gerald T. Johnson appeared in person.

After full review of the record and the evidence and testimony presented at hearing, the Board issues the following Findings of Fact, Conclusions of Law and Disciplinary Order:

1. The Board is an agency of the State of Missouri created and established pursuant to Section 333.151, RSMo, and vested with the authority to execute and enforcing the provisions of Chapter 333 and portions of Chapter 436, RSMo.

2. Gerald T. Johnson is an individual who has registered his address with the Board as 7408 W Florissant, St. Louis, Missouri 63136.

3. Gerald T. Johnson holds funeral director license number 007266 and embalmer license number 007556 that are and were current and active at all times relevant to this matter, except for when they were both lapsed between June 1, 2012 and December 12, 2012.

4. The Board adopts and incorporates by reference the findings of fact and conclusions of law contained in the AHC Order and the record of the Administrative Hearing Commission in the case of *State Board of Embalmers and Funeral Directors v. Gerald T. Johnson*, Case number 15-0816 EM.

5. The State Board of Embalmers and Funeral Directors (the "Board") received and reviewed the record certified to it by the Administrative Hearing Commission. The record of the Administrative Hearing Commission is incorporated into this Findings of Fact, Conclusions of Law and Disciplinary Order (the "Board Order") by reference as if set forth in its entirety in this Board Order.

6. The Board takes official notice of its file and the record in this matter.

7. The Board timely set this case for disciplinary hearing and properly served Respondent Gerald T. Johnson with notice of the time, date and location of the disciplinary hearing.

8. The Board has jurisdiction over this matter pursuant to Section 621.110 and Section 333.330, RSMo.

9. The Board finds this Board Order is necessary to protect the public.

THEREFORE, having fully considered the evidence before the Board and giving full weight to the Findings of Fact and Conclusions of Law as found by the Administrative Hearing Commission and set forth in the AHC Order, the Board makes the following disciplinary order:

10. The funeral director and embalmer licenses held by Gerald T. Johnson are hereby placed on **PROBATION** for a period of **TWO (2) YEARS** (the "Disciplinary Period"), beginning on the effective date of this Board Order and subject to the following conditions of the Disciplinary Period:

Conditions of the Disciplinary Period

11. Licensee shall comply with the following conditions of discipline during the Disciplinary Period:

- a. Licensee shall keep the Board informed of Licensee's current work and home telephone numbers and addresses. Licensee shall notify the Board in writing within ten (10) business days of any change in this information. If Licensee utilizes e-mail, Licensee shall provide the Board with his current and active e-mail address;
- b. Licensee shall comply with all applicable provisions of Chapters 194, 333 and 436, RSMo, all Board regulations and all federal, state and local laws and regulations related to business operations in the funeral and death care industry including all insurance and security laws applicable to any insurance or annuity used to fund preneed funeral contracts;
- c. Licensee shall engage in no conduct that would give the Board cause to seek authority to discipline from the Administrative Hearing Commission per Section 333.330, RSMo;
- d. Licensee shall meet in person with the Board or any Board representative at any such time and place as required by the Board or its representative upon reasonable notice. Any such meetings shall be at the Board's discretion;

- e. Licensee shall submit written compliance reports to the Board no later than January 1 and July 1 of each year, but no compliance report shall be filed more than 14 days before it is due. These compliance reports shall contain all other information required by this Board Order and shall be filed on forms supplied by the Board, if Licensee fails to receive the form from the Board, Licensee shall have the duty to contact the Board to request the form. Licensee shall complete each compliance report truthfully, completely and accurately;
- f. Upon the request by the Board or its representative, Licensee shall immediately submit any and all records requested to show compliance with these conditions;
- g. Licensee shall renew timely all licenses and/or registrations, shall pay timely all fees required for licensure/registration and shall meet all other requirements necessary to maintain all licenses and registrations issued by the Board current and active including not allowing any license to be suspended for failure to comply with any revenue law of the state;
- h. Licensee shall accept and cooperate with unannounced visits from the Board, or its representatives, to monitor compliance with the conditions of discipline;
- i. Licensee shall provide any death care employer with a copy of this Board Order within 5 working days from the date of receipt of this

Board Order and within 5 working days from the date of any new employment; and

- j. Licensee shall not serve as the supervisor of any funeral director apprentice or embalmer practicum student or embalmer apprentice without the express written consent of the Board. If Licensee seeks to supervise an apprentice, Licensee shall submit a written request to the Board that includes the name and address of the potential apprentice and a description of Licensee's ability to properly supervise an apprentice. No such apprenticeship shall commence until the Board has given its consent for Licensee to supervise the apprentice.

12. Upon the expiration of the Disciplinary Period and successful completion of the Disciplinary Period, Licensee's licenses shall be fully restored if all other requirements of the law have been satisfied; provided however, that in the event the Board determines that Licensee has violated any term or condition of this Board Order, the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may impose additional probation, suspend, revoke, or otherwise lawfully discipline Licensee's licenses.

13. The Board shall enter no order imposing further discipline on Licensee's licenses without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo,

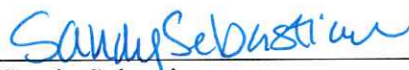
14. If the Board determines that Licensee has violated a term or condition of this Board Order, and that violation would also be actionable in a proceeding before the Administrative Hearing Commission or in a circuit court, the Board may elect to pursue any lawful remedies or procedures afforded to it and is not bound by this Board Order in its determination of appropriate legal actions concerning such violation(s).

15. If any alleged violation of this Board Order occurs during the Disciplinary Period, the Board may choose to conduct a hearing on the alleged violation either during the Disciplinary Period, or as soon thereafter as a hearing can be held, to determine whether a violation of the conditions of the Disciplinary Period occurred and, if so, may impose further discipline on Licensee's licenses. The Board has continuing jurisdiction to hold a hearing determine if a violation of the conditions of the Disciplinary Period occurred.

16. This Board Order of the Board shall be maintained as an open and public record of the Board as provided in Chapters 333, 610 and 324, RSMo.

IT IS SO ORDERED.

Dated: 8/3/2016



Sandy Sebastian
Executive Director
State Board of Embalmers and Funeral Directors